EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1242-AIR-E **TCEQ ID:** RN102246915, RN102295672, and RN102991882

CASE NO.: 34346

RESPONDENT NAME: Murphy Oil USA, Inc. dba Murphy Oil

ORDER TYPE:		
\underline{X} 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
6704, 9431 Alameda Avenue, El Paso, El Pa TYPE OF OPERATION: Fuel dispensing SMALL BUSINESS: YesX OTHER SIGNIFICANT MATTERS: Then these facility locations. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST:	No re are no complaints. There is no record of addition and the ED and the Respondent has expressed an inte ister comment period expired on August 4, 2008. Nor: None The Mr. James Nolan, Enforcement Division, Enforcement	Aills Boulevard, El Paso, El Paso County al pending enforcement actions regarding erest in this matter. No comments were received. ment Team 4, MC 149, (512) 239-6634; Mr.

RESPONDENT NAME: Murphy Oil USA, Inc. dba Murphy Oil

DOCKET NO.: 2007-1242-AIR-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Total Assessed: \$7,520 **Ordering Provisions:** Type of Investigation: Complaint X Routine Total Deferred: \$1,504 The Order will require the Respondent to: ___ Enforcement Follow-up X Expedited Settlement a. Within 30 days after the effective date of Records Review this Agreed Order, establish and ___Financial Inability to Pay implement a process which will ensure the Date(s) of Complaints Relating to this RVP for gasoline dispensed between June Case: None **SEP Conditional Offset: \$0** 1st - September 16th of each year shall not exceed 7.0 psia at Station Nos. 5776, Date of Investigation Relating to this Total Paid to General Revenue: \$6,016 6704, and 6879; and Case: June 2, June 7, and June 10, 2007 RN102295672 and RN102991882 b. Within 45 days after the effective date Date of NOV/NOE Relating to this Case: **Site Compliance History Classification** of this Agreed Order, submit written July 10, July 11, and July 20, 2007 (NOE) __ High __X Average ___ Poor certification and include detailed supporting documentation including Background Facts: These were routine Person Compliance History Classification investigations. photographs, receipts, and/or other records __ High <u>X</u> Average __ Poor to demonstrate compliance with Ordering Provision a. AIR Major Source: ___ Yes _X_ No 1) Failure to comply with the maximum RN102246915 7.0 pounds per square inch absolute Site Compliance History Classification ("psia") Reid Vapor Pressure ("RVP") X High Average Poor requirements during the control period of June 1st - September 16th. Specifically, a Person Compliance History Classification sample was taken of regular, mid-grade, _ High _X_ Average ___ Poor and premium gasoline dispensed from Pump Number Twelve of Murphy USA Major Source: ___ Yes _X_ No 5776. These samples were documented to have an RVP of 8.22 psia, 7.90 psia, and Applicable Penalty Policy: September 2002 7.31 psia, respectively [30 Tex. ADMIN. CODE § 115.252(2) and TEX, HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to comply with the maximum 7.0 psia RVP requirements for gasoline during the control period of June 1st -September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6704. These samples were documented to have an RVP of 7.6 psia and 7.3 psia [30 Tex. ADMIN. CODE § 115.252(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to comply with the 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6879. These samples were documented to have an RVP of 8.3 psia and 7.6 psia,

RESPONDENT NAME: Murphy Oil USA, Inc. dba Murphy Oil **DOCKET NO.:** 2007-1242-AIR-E

Page 3 of 3

respectively [30 Tex. ADMIN. CODE §	
115.252(2) and Tex. Health & Safety	
Code § 382.085(b)].	

Additional ID No(s).: EE2474D and EE2177M

Pallay Paylalan 2/Can	Penalty Calculatio	n Worksheet (P	-	n luno 26 2007
Policy Revision 2 (Sep	otember 2002)	· · · · · · · · · · · · · · · · · · ·	PCVV Revisio	n June 26, 2007
DATES Assigned	10-Jul-2007		(1174),	
PCW		EPA Due		
RESPONDENT/FACILITY				_ Janai
	Murphy Oil USA, Inc. dba Murphy Oil	Murp	ohy USA 6879	
Reg. Ent. Ref. No.		Basis w/Basis sur Courses	Minor	
Facility/Site Region	6-El Paso	Major/Minor Source	liviinor	
CASE INFORMATION		Sandania (Sandania)		
Enf./Case ID No.	34346	No. of Violations	1	
	2007-1242-AIR-E	Order Type		-
Media Program(s)	The second secon	Enf. Coordinator		-
Multi-Media		EC's Team	EnforcementTeam 4	-
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	tion Section		900
			ra rang uning gr	40.000
TOTAL BASE PENAI	LTY (Sum of violation base penaltie	S) Alaka da Labara Kabe	Subtotal 1	\$2,000
AD HIOTMENTO (+/)	TO CUDTOTAL A SECOND SECOND			
ADJUSTMENTS (+/-)	IO SUBIUIAL 1 ined by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage		
Compliance Hist			otals 2, 3, & 7	\$440
Compliance mar	· · · · · · · · · · · · · · · · · · ·			Ψ.10
Notes	Penalty enhanced due to one previous nor	similar NOV and one 1660		
	agreed order.			
ija ja liiku. Kan tenangan panganan				4.0
Culpability	No 1 1 1 1 1 1 1 1 1	Enhancement	Subtotal 4	\$0
M-4	The Despendent does not most the	aulpability critoria		
Notes	The Respondent does not meet the	e culpability criteria.		
Good Faith Effor	t to Comply 0%	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer	·		
Extraordinary				
Ordinary	444 40000000000000000000000000000000000			
N/A	X (mark with x)			
Notes	The Respondent does not meet the	e good faith criteria.		
110.00	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	9003		
	The regular set of the first of the first spiritual set of the set	age with the first of a wilder of the first	Subtotal 6	\$0
		Enhancement* I at the Total EB \$ Amount	Subtotal 0	Ψυ
Approx.	Cost of Compliance \$100	at the Total ED \$ Amount		
SUM OF SUBTOTAL	S 1-7	The state of the s	inal Subtotal	\$2,440
		the Court of the C	and the second s	
OTHER FACTORS A	S JUSTICE MAY REQUIRE		Adjustment	\$0
	Subtotal by the indicated percentage. (Enter number only	r; e.g30 for -30%.)	\$\$** a₹.\$* 1 5.1. 1 1 1 1 1 1	
Notes			,	
		Final Per	nalty Amount	\$2,440
STATUTORY LIMIT A	ADJUSTMENT	Final Asse	ssed Penalty	\$2,440
DEFERRAL		20% Reduction	Adjustment	-\$488
	nalty by the indicted percentage. (Enter number only; e.g	. 20 for 20% reduction.)		
	,			
Notes	Deferral offered for expedite	d settlement.		
				WARRIED
Table de la contraction de la				
PAYABLE PENALTY		- Andrews - 対象的には、 つ - Andrews - Table - Andrews - And		\$1,952

Screening Date 25-Jul-2007

Docket No.: 2007-1242-AIR-E

PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Case ID No. 34346

Reg. Ent. Reference No. RN102991882

Media [Statute] Air

		Site Enhancement (Subtotal 2). lumber of E	inter Number Here	
N		Vritten NOVs with same or similar violations as those in the current enforcement action number of NOVs meeting criteria)	0	0%
		Other written NOVs	1	2%
	n	ny agreed final enforcement orders containing a denial of liability (number of orders neeting criteria)	11	20%
Or	o	ony adjudicated final enforcement orders, agreed final enforcement orders without a denial filability, or default orders of this state or the federal government, or any final prohibitory mergency orders issued by the commission	11 spec (1460) so 	0%
	gments c	only non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting interia)	0	0%
1	jı	ony adjudicated final court judgments and default judgments, or non-adjudicated final court adgments or consent decrees without a denial of liability, of this state or the federal covernment	0	0%
Con		any criminal convictions of this state or the federal government (number of counts)	0	0%
Emi	TOTAL MARKET 1	Chronic excessive emissions events (number of events)	0	0%
A	E	etters notifying the executive director of an intended audit conducted under the Texas environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<u> </u>		Pleas	se Enter Yes or No	<u> </u>
*	E	Invironmental management systems in place for one year or more	No	0%
		oluntary on-site compliance assessments conducted by the executive director under a pecial assistance program	No	0%
~		Participation in a voluntary pollution reduction program	No	0%
		early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
		Adjustment Po	ercentage (S	Subtotal 2)
Repeat Viol	ator (Sub	total 3)		W MAHO
	No	Adjustment P	ercentage (S	Subtotal 3)
ompliance		Person Classification (Subtotal 7)		:
			oroontago /S	Subtotal 7)
<u> Av</u>	verage Per	 	- •	- 1
Compliance	History S	Summary		2018 (v.1.1.1.
Com	pliance			1
	story	Penalty enhanced due to one previous nonsimilar NOV and one 1660 agreed or	ler.	to the street
N	otes	unathating band that have an flower the	1 4	
		Total Adjustment Percentage		0 0 0 71

Scre	ening Date	25-Jul-2007		Doc	ket No. 2007-1242-A	IR-E	PCW
			SA, Inc. dba M	urphy Oil		Policy R	evision 2 (September 2002)
	Case ID No.	34346				P	CW Revision June 26, 2007
Reg. Ent. Re	ference No.	RN10299188	2				- Oxented 2000 (
Med	lia [Statute]	Air			4		O D D D
Enf. (Coordinator	James Nolan	_				- COLECTION
Viol	ation Number	1					
	Rule Cite(s)	30 Tex. A	dmin. Code § 1	115.252(2) and T	ex. Health & Safety Co	ode § 382.085(b)	haller on contribution of the contribution of
Violatio	n Description	Vapor F September dispensed	Pressure ("RVP 16th. Specifica from Pump Nur	") requirements of lly, samples were nber Three. The	nds per square inch abduring the control perion taken of regular and se samples were doculuring an inspection co	od of June 1st - mid-grade gasoline mented to have an	
						Base Penalty	\$10,000
>> Environmenta	l. Property a	nd Human	Health Matr	ix a sangteran	and the second s		AAAABERTII AAAA
- Political Control			Harm				Trimococo office
weeking.	Release	Major	Moderate	Minor			advocation and a second
OR	Actual			X	·		·
	Potential				Percent	10%	AAAAAAAA
enterfallible			/ 4016 - \$08,58,58,58,70		36506587531		·
>>Programmatic		Major	Madarata	Minor			O. CONTRIBUTION
17.47 m	Falsification	Major I	Moderate	Minor	Percent	0%	*ALABACHOVOU
	L	L	l		1 Crocin	0.70]	and the second s
Matrix Notes	Human hea				ficant amounts of pollu health or the environn		
to a digital assistant of the state of	All Carte Brook Fig. 1	Section 17	and the state of the state of	rover basis	Adjustment	\$9,000	0.0000000000000000000000000000000000000
							£4.000
							\$1,000
Violation Events	a employees en a		i zplatic	En statut sames	Jedan Pa	The supplier of the supplier o	
	Number of Vic	olation Events	2		1 Number of v	iolation days	Mile de découpir de découpir de des constants de la constant de la
	.	daily					7000000 A
		monthly					·
	mark only one	quarterly			Vio	lation Base Penalty	\$2,000
	with an x	semiannual					
		annual					
		single event	x				
	Two single	e events are r	ecommended b	ased on the viol	ation of two grades of	gasoline at Pump	No.
				Number Three.	T		3000
Economic Benefi	t (EB) for th	is violation		August Profit 19 19 18	Statutory	Limit Test	na La la
	Estimated	d EB Amount		\$4	Violation	Final Penalty Total	\$2,440
			71.	io violation Ein	al Assessed Penalty	(adjusted for limite)	\$2,440
THE SAME DESIGNATION OF STREET			I n	na violation rin	ai Assesseu Felidity	(uujusteu 101 millis)	Ψ2,110

3	- MAGNAJ-E	conomic l	3enefit W	orks	sheet	dalEgininas c	The second secon
	Murphy Oil USA	A, Inc. dba Murphy			Murphy US		
Reg. Ent. Reference No.						1. 1 ¹ 1	
Media	Air					Percent Interest	Years of Depreciation
Violation No.	1				Shill Side Shirt	1	•
		والمواكنة المنافعة والمواكنة		1.180	ACCEPTABLISHING TO	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Mujeria personale					
Delayed Costs		ang pala aglietikan		1	,	1	
Equipment	E. Marakitana a sana a san		<u> ئىسى بىڭ ئۇلارلىكىلى</u>	0.0	\$0	\$0 \$0	\$0 \$0
Buildings	تشطف وسينين أنشق	المتعادية المتعالم		0,0	\$0 \$0	\$0	\$0 \$0
Other (as needed)			فنعرف بالمدين والمنابع	0.0	\$0	\$0 55 \$0	\$0 \$0
Engineering/construction Land	Harris and the state of the sta			0,0	\$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a	\$0
Record Reeping System Training/Sampling	\$100	10-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal	<u>Ψ100</u>	10-3011-2007	1-701-2000	0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		date of invest	igation. The Final	Date is	the estimated date	aintained. The Date of compliance.	
Avoided Costs	AININ	IUALIZE [1] avoide	eu costs perore e			Charles 11, 1244 (1942) (1932) 2, 24, 241, 24, 247, 1441	
Disposal Personnel	2,852,412	Karanga Pelikisa in Kali	<u>kai pundi di dia 22 di perubah 19</u> Tanggapan	0,0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0,0	\$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0 \$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0,0	\$0	\$0	\$0
Other (as needed)		**************************************	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	0.0	\$0	\$0	\$0
Notes for AVOIDED costs							:
Approx. Cost of Compliance		\$100			TOTAL		\$

Compliance History

Custome	er/Respondent/Owner-Operator:	CN601187875 Murphy Oil USA, I	nc. Classification: AVERAG	GE Rating: 2.49
Regulate	ed Entity:	RN102991882 MURPHY USA 68	379 Classification: AVERAG	E Site Rating: 7.00
ID Numb	er(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	75575
Location:		11701 PEBBLE HILLS BLVD, EL PASO	D, TX, 79936 Rating Date: September	01 06 Repeat Violator:
TCEQ R	egion:	REGION 06 - EL PASO		
Date Cor	mpliance History Prepared:	July 25, 2007		
Agency [Decision Requiring Compliance History:	Enforcement		
Compliar	nce Period:	July 25, 2002 to July 25, 2007		,
TCEQ St	aff Member to Contact for Additional Inforr	nation Regarding this Compliance History .		
Name:	J. Nolan	Phone: 512-239	9-6634	
		014- 011-4		
4 114	and the boson to contribute and the contribute of	Site Compliance Histor		
	e site been in existence and/or operation f		No	
	ere been a (known) change in ownership of who is the current owner?	or the site during the compliance period?	No	
			N/A	
4. 11 165	, who was/were the prior owner(s)?		N/A	
5. When	did the change(s) in ownership occur?	·	N/A	
Compo	nents (Multimedia) for the Site :			,
A.	Final Enforcement Orders, court judgem	nents, and consent decrees of the state of	Fexas and the federal government.	
	5C THC Ch Description: Offered for s	apter 114, SubChapter D 114.100(a) napter 382, SubChapter A 382.085(b) sale gasoline for use as a motor vehicle fue by weight, in violation of 30 Tex. Admin. Co		
		hapter 5, SubChapter A 5.702[G]		
	Olidion.	apter 205, SubChapter A 205.6		
		y annual general permits stormwater (GPS 20006081, 20006082, 20007577, 2000856 Code ? 5.702.		
B.	Any criminal convictions of the state of T	Texas and the federal government.		
0	N/A			
C.	Chronic excessive emissions events.			
	N/A		·	
D.	The approval dates of investigations. (C 1 08/12/2003 (149295) 2 10/27/2003 (248584) 3 03/19/2004 (261856) 4 08/12/2004 (285323) 5 11/29/2004 (342479) 6 08/19/2005 (393502)	CEDS INV. Track. No.)		
	7 08/27/2005 (407315). 8 07/18/2006 (484614) 9 11/02/2006 (516676) 10 07/06/2007 (565830)			
E.	Written notices of violations (NOV). (CC			
	Date: 08/22/2005 (39350	2)		
	Self Report? NO		Classification: Moderate	

30 TAC Chapter 115, SubChapter C 115.245(2)

Citation:

Description:

Failure to conduct testing of the stage II equipment at least once every twelve months.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates,

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Policy Povision 2 (Son	Penalty Calculatio	n Work	sheet (P	•	ion June 26, 2007
Policy Revision 2 (Sep	nember 2002)			- FOW Kevis	1011 Julie 20, 2007
DATES Assigned	10-Jul-2007				
PCW		EPA Due			· ·
	.h.			-	
RESPONDENT/FACILITY	INFORMATION			<u> Albania and Markan</u>	
Respondent	Murphy Oil USA, Inc. dba Murphy Oil	<u></u>	M	urphy USA 6704	·
Reg. Ent. Ref. No.				IB 4=======	
Facility/Site Region	6-El Paso	j Major	Minor Source	livimor	
CASE INFORMATION				Way	e estapologica de la
Enf./Case ID No.	34346	l No	. of Violations	[1	
	2007-1242-AIR-E	1	Order Type		
Media Program(s)		- En	f. Coordinator		
Multi-Media	The state of the s		EC's Team	EnforcementTeam 4	
Admin. Penalty \$		\$10,000]		
			***************************************	***************************************	***************************************
	Penalty Calcula	ation Sec	tion		
			Consequence of the access	g i sa a s	
TOTAL BASE PENAI	LTY (Sum of violation base penaltic	es) :		Subtotal 1	\$2,000
	The state of the s			5888 Settler (1981)	11.1
ADJUSTMENTS (+/-)			relation (1)		
	ined by multiplying the Total Base Penalty (Subtotal 1) by			4-1-0-0-0-7	004
Compliance Hist	ory 4%	Enhancement	Subti	otals 2, 3, & 7	\$80
N-t	Denalty enhanced due to two provide	ua noncimilar	NOVe		
Notes	Penalty enhanced due to two previo	us nonsimilar	NOVS.		
				J	
Culpability	No 0%	Enhancement		Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability c	riteria.		
Good Faith Effor	t to Comply 0%	Reduction		Subtotal 5	\$0
OOOG TAKE ENO	Before NOV NOV to EDPRP/Settlement Offer	Hoddonon	Artaspierie in La 15 Mari		,
Extraordinary			•		
Ordinary					
N/A	X (mark with x)				
		1.5.11	••		
Notes	The Respondent does not meet the	e good faith c	riteria.		
	The state of the s			J	
		Enhancement*		Subtotal 6	\$0
		d at the Total EB	\$ Amount		
Approx.	Cost of Compliance \$100				
ويرخم فالمرابع فالمرابع			narovana i Lu		\$2,080
SUM OF SUBTOTAL	.S 1-7			Final Subtotal	\$2,000
			Teorgaaaa kaalaa ay	945 S. 1 5 5 100 1 5 5	**
	S JUSTICE MAY REQUIRE			Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicated percentage. (Enter number onl	y; e.g30 for -30	%.)	1	
Notes					
	The state of the s	<u></u>		·	¢2.000
			Final Pe	nalty Amount	\$2,080
	u uzak uzu e <u>lekan ulau izaka</u> melak makemban 1981 milak gan hari kecika m		ses de energiada antigen	energoden old 1984	#0.000
STATUTORY LIMIT	ADJUSTMENT		Final Asse	essed Penalty	\$2,080
			Talia ayan tara da ayar	and the second second	
DEFERRAL		20%	Reduction	Adjustment	-\$416
Reduces the Final Assessed Per	nalty by the indicted percentage. (Enter number only; e.	g. 20 for 20% red	uction.)	1	,
		a 44 ·			
Notes	Deferral offered for expedite	ed settlement.			
	La contraction of the second	<u></u>]	
			- Muchagas protection particle in Management	e mai titti ti suktiti kali justin Teo	
PAYABLE PENALTY			September Control of the Control	THE STATE OF THE S	\$1,664

Screening Date 25-Jul-2007

Docket No. 2007-1242-AIR-E

∥ PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Case ID No. 34346

Policy Revision 2 (September 2002)
PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102295672

Media [Statute] Air

Com		Compliance History Worksheet Site Enhancement (Subtotal 2)	filite Post mult	apolii	
	Component	Number of	nter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0 4.1	0%	
		Other written NOVs	2	4%	
	i	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	O fair.	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	,
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0 0	0%	1
		Disclosures of violations under the [*] Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	ÖÜÜ	0%	
	Last and the second design of	Pleas	se Enter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Other	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
		Adjustment Po	ercentage (Si	ubtotal 2)	
Repe	at Violator (Su	btotal 3)			
	No	Adjustment Pe	ercentage (Si	ubtotal 3) 🛚	
Com	pliance History	Person Classification (Subtotal 7)	i da Waring		
	Average P	erformer Adjustment Pe	ercentage (Si	ubtotal 7)	
Com	pliance History	Summary		ANTARS	
	Compliance History	Penalty enhanced due to two previous nonsimilar NOVs.	principal de la companya de la compa		
	Notes	。			
		Total Adjustment Percentage	(Subtotale	2 2 271	

Scre	ening Date	25-Jul-2007		Do	cket No . 2007-124	12-AIR-E	PCW
R	Respondent	Murphy Oil U	SA, Inc. dba M	lurphy Oil		Policy I	Revision 2 (September 2002)
	Case ID No.	34346				F	PCW Revision June 26, 2007
Reg. Ent. Ref			2				
	lia [Statute]						No. of Contract
	Coordinator		 1				September 1
Viol	ation Number	1					7
	Rule Cite(s)	30 Tex. A	dmin. Code §	115.252(2) and	Tex. Health & Safet	y Code § 382.085(b)	-
Violatio	n Description	Vapor F September dispensed f	Pressure ("RVF 16th. Specifica from Pump Nu	P") requirements ally, samples we mber Three. Th sia, respectively	s during the control pere taken of regular a ese samples were de	n absolute ("psia") Reid veriod of June 1st - und mid-grade gasoline ocumented to have an n conducted on June 7,	
						Base Penalty	\$10,000
>> Environmental	, Property a	nd Human	Health Mat	rix	a project of the second		and the second s
	ation is the section of a subsection of	A	Harm		ntuna - nua pungkanakana asas	- 1005 (100 A) 204 AMERICAN AND AND AND AND AND AND AND AND AND A	
OB	Release	Major	Moderate	Minor			3
OR	Actual Potential			X	Percent	10%	or year
	i otential		<u> </u>		rerecin	1070	
>>Programmatic	Matrix	50 (2004) 2009 (2006) (2004) (200					
	Falsification	Major	Moderate	Minor	Contribution Soften		
	e e	•			Percent-	0%	A CONTRACTOR OF THE CONTRACTOR
MAR SALES I	Ir						TI I
Matrix Notes	Human heal				nificant amounts of p n health or the envir	ollutants which did not onment.	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	reneral as a section				Adjustmer	it \$9,000) m
		Marie I. Santa De ambientation de	. asaldaksii sis				
							\$1,000
Violation Events				Ministration of the	STORY OF THE STAN		
violation Events					112234134113635		MALE CONTROL OF THE C
	Number of Vic	lation Events	2	E	1 Number	of violation days	- The state of the
							v. de militario su ver
		daily					0.000
	mayle anly and	monthly quarterly			,	Violation Base Penalty	\$2,000
	mark only one with an x	semiannual				Violation Base i charty	L
		annual					
		single event	X				
		,					ন
	Two single	e events are re	ecommended I	based on the vic Number Three		of gasoline at Pump	
Economic Benefi	t (EB) for th	is violation	1. 2.00		Statuto	ory Limit Test	
	Estimated	I EB Amount		\$4	Violat	ion Final Penalty Tota	\$2,080
			•				
	ESPECIACION POSSUROS		TI	his violation Fi	nal Assessed Pena	Ity (adjusted for limits	\$2,080

Andread and a second	SAIA SULLIA	conomic l	3enetit W	orks	sheet	ing the state of the control of the	
Kespondent		, Inc. dba Murphy				USA:6704	
Case ID No.	34346						
Reg. Ent. Reference No.	RN102295672						
Media						Production of which	Years of
Violation No.						Percent Interest	Depreciation
violation ivo.					NA Pisterio Secure Su		•
					COMPANIES TO THE	5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$		ELECTRICAL STREET			philip const	
Later Strate Control of the Strate Control	And the angle of the second distribution of the second	- 15 10 40 40 40 10 10 10 10 10 10 10 10 10 10 10 10 10	and and a section of the section of the				
Delayed Costs	<u> </u>	The state of the s	ول فارتز البيار في من وسي	and Caldy			
Equipment		التيانيانيات الأرانيات	Marketile 63	, 0,0	\$0	\$0	\$0
Buildings			alianai y 490-76 .	0.0	\$0	\$0	\$0
Other (as needed)	1.74 (0.0	\$0	\$0	\$0
Engineering/construction	Landa de minima		en de el color de	0.0	\$0	\$0	\$0
Land				0,0	\$0	,n/a	\$0
Record Keeping System			Problem Laurence	0,0	\$0	n/a	\$0
Training/Sampling	\$100	7-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs			and the same of	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	11	a sala sa da da sa	. The beginning state and	San Maria	likurakan eto et ili.	antigano cara estra e escribia.	esa assantana
Notes for DELAYED costs Avoided Costs		date of invest	igation. The Final	Date is	the estimated date	aintained. The Date e of compliance. one-time avoided c	
		date of invest	igation. The Final	Date is	the estimated date item (except for	of compliance. one-time avoided c	osts) \$0
Avoided Costs	ANN	date of invest	igation. The Final	ntering 0.0	item (except for \$0 \$0	one-time avoided o	sosts) \$0 \$0
Avoided Costs	ANN	date of invest	igation. The Final	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0	sosts) \$0 \$0 \$0
Avoided Costs Disposal Personnel	ANN	date of invest	igation. The Final	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	date of invest	igation. The Final	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	date of invest	igation. The Final	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN (10531)	date of invest	igation. The Final	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN (10531)	date of invest	igation. The Final	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN (10531)	date of invest	igation. The Final	ntering	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator:		r: CN601187875	Murphy	Oil USA, Inc.		Classification: AVERAGE	Rating: 2.49
Regulated Entity:		RN102295672	MURP	HY USA 6704		Classification: AVERAGE	Site Rating: 0.33
ID Number(s):		REGISTRATION	REGISTRATION			RATION NT NUMBER	74444 EE2474D
Location	:	9431 ALAMEDA A			ACCOU	Rating Date: 9/1/2006 Repe	
TCEQ F	Region:	REGION 06 - EL I	PASO		****		
Date Co	ompliance History Prepared:	July 25, 2007					•
Agency	Decision Requiring Compliance	e History: Enforcement					
Complia	ance Period:	July 25, 2002 to J	uly 25, 200)7	- A		
TCEQ S	Staff Member to Contact for Add	ditional Information Regarding this	Compliano	ce History			
Name:	J. Nolan	Ph	one:	512-239-6634			
		Site	Compliar	nce History Compon	ents		
1. Has t	he site been in existence and/o	r operation for the full five year co	mpliance p	eriod?	Yes		
2. Has t	here been a (known) change in	ownership of the site during the c	ompliance	period?	No		
	s, who is the current owner?				N/A		_
4. if Ye	s, who was/were the prior owne	er(s)?			N/A		
5. Whe	n did the change(s) in ownershi	ip occur?			N/A		
Compo	onents (Multimedia) for the	Site:					
A.	Final Enforcement Orders, o	court judgements, and consent de	crees of the	e state of Texas and the	e federal g	government.	
	N/A						
B.	Any criminal convictions of t	the state of Texas and the federal	governme	nt.			
C.	Chronic excessive emission	as events.					
	N/A						
D.	The approval dates of inves	tigations. (CCEDS Inv. Track. No.)				
	2 11/06/2002 (3 11/15/2002 (4 10/01/2003 (5 07/16/2004 (6 08/25/2005 (7 08/26/2005 (8 07/18/2006 (9 07/20/2006 (10 07/20/2006 (11 08/14/2006 (12 11/28/2006 ((3525) (15100) (15004) (249599) (277746) (393503) (406882) (486071) (435466) (435245) (488121) (531549)					
E.		(NOV). (CCEDS Inv. Track. No.)					
	Date: 08/26/2005 Self Report? NO	(393503)		Classifier	tion:	Moderate	
	Citation: Description:	30 TAC Chapter 115, SubChapter Failure to maintain the Stage II Va condition. (406882)				Moderate	
	Self Report? NO			Classifica	ition: I	Minor	
	Description:	30 TAC Chapter 115, SubChapter Failure to submit the test results of completion of test required.		• •	king days	of	

Environmental audits. F. G.

Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

N/A

Participation in a voluntary pollution reduction program. l.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

	Penalty Ca	lculatio	n Works	sheet (P		evision June 26, 2007
Policy Revision 2 (Septe	ember 2002)			,	PCVIR	evision June 20, 2007
DATES Assigned PCW	10-Jul-2007 25-Jul-2007 Screening	25-Jul-2007	EPA Due			The state of the s
RESPONDENT/FACILITY I	NFORMATION			36.423623		
Respondent	Murphy Oil USA, Inc. dba Mur	phy Oil		N	lurphy USA 5776	
Reg. Ent. Ref. No.			Major/	Minor Source	Minor	
Facility/Site Region	5-E1 F480		iviajor <i>i</i>	Willion Source	INITIO!	
CASE INFORMATION			The page as			
Enf./Case ID No.	34346 2007-1242-AIR-E		No.	of Violations Order Type		
Media Program(s)	The state of the s		Ent	Coordinator	James Nolan	all and a second
Multi-Media				EC's Team	EnforcementTeam	4
Admin. Penalty \$ L	imit Minimum \$0 N	laximum	\$10,000			
	Populty	y Calcula	tion Sec	tion	· · · · · · · · · · · · · · · · · · ·	989
	•			ilori	المالية المالي	¢2 000
TOTAL BASE PENAL	TY (Sum of violation ba	ise penaltie	s)		Subtotal 1	\$3,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1					
Subtotals 2-7 are obtain	ed by multiplying the Total Base Pena					\$0
Compliance Histo	ry	0%	Enhancement	Subt	otaIs 2, 3, & 7 	\$ 0
Notes	There are no appl	icable penalty	enhancemen	its.		
	and the second s			·.		
Culpability [No	0%	Enhancement	and the state of	Subtotal 4	\$0
Notes	The Respondent doe	s not meet the	e culpability c	riteria		
Notes	The Respondent dec		ou.pasy c.			
Good Faith Effort	to Comply	0%	Reduction		Subtotal 5	\$0
		Settlement Offer				
Extraordinary						
Ordinary N/A	X (mark with x)					
erdineps	The Respondent doe	o not most the	a good faith c	ritoria		
Notes	rne Respondent doe	s not meet the	e good failt c	пспа.		
		0%	Enhancement*		Subtotal 6	\$0
	Total EB Amounts \$4		at the Total EB	\$ Amount		
Approx. C	Cost of Compliance \$100			•		
SUM OF SUBTOTALS	s 1-7			ili Ara Compace (1915) della 1915	inal Subtotal	\$3,000
				Terrar an energiale di li escribiria.	Leady 1977 to 1 17 17 2	
	JUSTICE MAY REQUI		00 for 20	de la	Adjustment	\$0
Reduces or enhances the Final Su	ubtotal by the indicated percentage. (I	Enter number onl	γ; e.g30 τοτ -30	%.)]	
Notes						
-]	#2.000
and the control of th				Final Pe	nalty Amount	\$3,000
STATUTORY LIMIT A	DIUSTMENT			Final Asse	essed Penalty	\$3,000
STATUTORT LIMIT A	Paga include the Market			, ,,,,,,,,,		
DEFERRAL			20%		Adjustment	-\$600
Reduces the Final Assessed Pena	alty by the indicted percentage. (Ente	r number only; e.g	g. 20 for 20% rea	uction.)	1	
Notes	Deferral offere	ed for expedite	d settlement			
140162	Dolettal offere	.a. ioi, oxpoulte	_ coldonions			
		action of the second		ACTION OF DANKSERS	- Control Standards College Co	
PAYABLE PENALTY						\$2,400

Screening Date 25-Jul-2007 Docket No. 2007-1242-AIR-E

PCW

Respondent Murphy Oil USA, Inc. dba Murphy Oil

Case ID No. 34346

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102246915

Media [Statute] Air

	y Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	: 0 : 2 : 3 : 3 : 3 : 3 : 3 : 3 : 3 : 3 : 3	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	O CANADA	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consen Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions		0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<u> </u>	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
, , , , ,	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%
	Adjustment P		, ,
Repeat Violator (Si	ubtotal 3)	BA BBRITOA	
N	Adjustment P	ercentage (Su	btotal 3)
ompliance Histor	y Person Classification (Subtotal 7)		, , , ,
Average F	Performer Adjustment P	ercentage (Su	htotal 7)
ompliance Histor		- •	
Compliance			
History Notes	There are no applicable penalty enhancements.		
	Total Adjustment Percentage		Г

Screening Dat	25-Jul-2007 Docket No. 2007-1242-AIR-E	PCW
: · · · · · · · · · · · · · · · · · · ·	t Murphy Oil USA, Inc. dba Murphy Oil	Policy Revision 2 (September 2002)
Case ID No		PCW Revision June 26, 2007
Reg. Ent. Reference No		
Media [Statute		
Enf. Coordinate		
Violation Number	r 1 1	
Rule Cite(30 Tex. Admin. Code § 115.252(2) and Tex. Health & Safety Code § 38	2.085(b)
Violation Description	Failed to comply with the maximum 7.0 pounds per square inch absolute (Vapor Pressure ("RVP") requirements during the control period of Jur September 16th. Specifically, samples taken of regular, mid-grade, and gasoline dispensed from Pump Number Twelve were documented to have 8.22 psia, 7.90 psia, and 7.31 psia, respectively, during an inspection cor June 2, 2007.	ne 1st - premium an RVP of
	В	ase Penalty \$10,000
>> Environmental, Property	and Human Health Matrix	
	Harm	
Releas OR Actu	James and the state of the stat	
Potenti		6
>>Programmatic Matrix		
Falsificatio	Major Moderate Minor	·
	Percent 09	6
Matrix Notes Human he	alth or the environment was exposed to insignificant amounts of pollutants where exceed levels that are protective of human health or the environment.	lich did not
	Adjustment	\$9,000
**-1-2-2-2-33-33-33-34-34-34-34-34-34-34-34-34-34-	HISTORICE RECORD BY CT-49-19-04-CT COORD FOR CT-49-07-CO-500 a coord coord control of CT-40-07-CT-40-0	\$1,000
		Ψ1,000
Violation Events		
Number of V	iolation Events 3 1 Number of violation	days
mark only on with an x	daily monthly quarterly semiannual annual single event	ase Penalty \$3,000
Three sin	gle events are recommended based on the violation of three grades of gasolin Number Twelve.	ne at Pump
Economic Benefit (EB) for	his violation Statutory Limit	rest
Estima	ed EB Amount \$4 Violation Final P	enalty Total \$3,000
	This violation Final Assessed Danelts (adjuste	ed for limits) \$3,000
and the second state of the second se	This violation Final Assessed Penalty (adjuste	with ministration was

	aasaa E	conomic l	3enefit V	Vorks	sheet	ered gad tera	
and the second s	Murphy Oil US/	A, Inc. dba Murphy				USA 5776	
Reg. Ent. Reference No. Media							Years of
Violation No.	1					Percent Interest	Depreciation
					- rigiost zente C.	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs	i New Array (a. 146) (b)			i Sabalito lainnes	en 494 de la companio de la compa		
Equipment				0.0	\$0	\$0	\$0
Buildings	تتناب أرتركة الأنابيل	أأطع والأساساني		0.0	\$0	\$0	\$0
Other (as needed)	eri i i i i i i i i i i i i i i i i i i	أتساطنا أمحر يحجون وتجمعوا	ji Trotakomuleski katologi teol	0,0	\$0	\$0	\$0
Engineering/construction	والترفيد والمعملة والمعالم وا		dadahar bahara	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		The state of the s	Parameter Services Carlo	0.0	\$0	n/a	\$0
Training/Sampling	\$100	2-Jun-2007	1-Apr-2008	0.8	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		<u> </u>	Historia de describir de la compansión de	0,0	\$0	⊳⊷ n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		date of invest	gation. The Fina	l Date is	the estimated date	of compliance. one-time avoided c \$0 \$0	•
Inspection/Reporting/Sampling	- 11 - 11 - 11 - 11 - 11 - 11 - 11 - 1	1		0.0	\$0	\$0 \$0	\$0
Supplies/equipment		The second secon		0.0	\$0	\$0	\$0
Financial Assurance [2]		· · · · · · · · · · · · · · · · · · ·	317 1477	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	Market of the second of the second		The state of the s	0.0	\$0	\$0	\$0
Other (as needed)			Mariana di Ariana	 0.0	\$0	\$0	\$0
Notes for AVOIDED costs		engan ang taong			ya Tanan ing Kabupatèn Alba		. !
Approx. Cost of Compliance		\$100	kaasia kuusu kiisa kiiti kali kuusaa		TOTAL		\$

Compliance History

Customer/Resp	pondent/Owner-Operator:	CN601187875	Murphy	Oil USA, Inc.		Classification: AVERAGE	Rating: 2.49
Regulated Entity:		RN102246915	MURPH	HY USA 5776		Classification: HIGH	Site Rating: 0,00
ID Number(s):		PETROLEUM STO	DRAGE TA	ANK	REGISTRA	TION	72567
Location:		AIR NEW SOURC			ACCOUNT	Rating Date: September 01	EE2177M 06 Repeat Violator:
TCEQ Region:		REGION 06 - EL P	ASO			NO	
=	ce History Prepared:	July 26, 2007	7.00				
•	on Requiring Compliance History:	Enforcement					
Compliance Pe		July 26, 2002 to Ju	lv 26. 200	7			
·	ember to Contact for Additional Informa						
Name:	J. Nolan		one:	5122396634			
				-		· · · · · · · · · · · · · · · · · · ·	·
		Site 0	Complian	ce History Compo	nents		1
	been in existence and/or operation for		,		Yes		
	een a (known) change in ownership of t s the current owner?	the site during the co	mpliance	period?	No		
	was/were the prior owner(s)?				N/A		
					N/A		
	ne change(s) in ownership occur?			•	N/A		
	(Multimedia) for the Site :			t-t T t			
	al Enforcement Orders, court judgemer .	its, and consent dec	rees or the	e state of Texas and t	ine rederal gove	ernment.	•
N/A	A						
B. Any	r criminal convictions of the state of Tex	xas and the federal (governmer	nt.			
N/A	4						
C. Chr	ronic excessive emissions events.		,	•			
N/	Α						
D. The	e approval dates of investigations. (CCE	EDS Inv. Track, No.)					
	1 08/15/2002 (2886) 2 11/06/2002 (15878)						
	3 11/07/2003 (249846)			•			
	4 06/30/2004 (276677) 5 07/17/2006 (487083)						
	6 11/13/2006 (519400)						
	7 07/16/2007 (567073)						
E. Wri	tten notices of violations (NOV). (CCEI	OS Inv. Track. No.)					
F. Env	vironmental audits.						
	N/A						
G. Typ	pe of environmental management syste	ms (EMSs).					
N/	Α						
H. Vol	untary on-site compliance assessment	dates.		•			
N/A	4			•	4		
I. Par	ticipation in a voluntary pollution reduc	tion program.					•
N/.	A						
J. Ear	ly compliance.				-		
N/A		•					
Sites Outside of	of Texas	*					

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MURPHY OIL USA, INC. DBA	§	
MURPHY OIL	§	
RN102246915; RN102295672;	§	ENVIRONMENTAL QUALITY
RN102991882	§	

AGREED ORDER DOCKET NO. 2007-1242-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Murphy Oil USA, Inc. dba Murphy Oil ("Murphy Oil") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Murphy Oil appear before the Commission and together stipulate that:

- 1. Murphy Oil owns and operates fuel dispensing stations at the following locations in El Paso, El Paso County, Texas (the "Stations"):
 - a. 1820 North Zaragoza Road (Murphy USA 5776);
 - b. 9431 Alameda Avenue (Murphy USA 6704); and
 - c. 11701 Pebble Hills Boulevard (Murphy USA 6879).
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and Murphy Oil agree that the Commission has jurisdiction to enter this Agreed Order, and that Murphy Oil is subject to the Commission's jurisdiction.
- 4. Murphy Oil received notice of the violations alleged in Section II ("Allegations") on or about July 15, 2007, July 16, 2007, and July 25, 2007.

7			

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Murphy Oil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Seven Thousand Five Hundred Twenty Dollars (\$7,520) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Murphy Oil has paid Six Thousand Sixteen Dollars (\$6,016) of the administrative penalty and One Thousand Five Hundred Four Dollars (\$1,504) is deferred contingent upon Murphy Oil's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Murphy Oil fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Murphy Oil to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Murphy Oil have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Murphy Oil has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Stations, Murphy Oil is alleged to have:

- 1. Failed to comply with the maximum 7.0 pounds per square inch absolute ("psia") Reid Vapor Pressure ("RVP") requirements during the control period of June 1st September 16th, in violation of 30 Tex. ADMIN. CODE § 115.252(2) and Tex. Health & Safety Code § 382.085(b), as documented in an investigation conducted on June 2, 2007. Specifically, a sample was taken of regular, mid-grade, and premium gasoline dispensed from Pump Number Twelve of Murphy USA 5776. These samples were documented to have an RVP of 8.22 psia, 7.90 psia, and 7.31 psia, respectively.
- 2. Failed to comply with the maximum 7.0 psia RVP requirements for gasoline during the control period of June 1st September 16th, in violation of 30 Tex. ADMIN. CODE § 115.252(2) and Tex. HEALTH & SAFETY CODE § 382.085(b), as documented in an investigation conducted on June 7, 2007. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump

Number Three at Murphy USA 6704. These samples were documented to have an RVP of 7.6 psia and 7.3 psia.

3. Failed to comply with the 7.0 psia RVP requirements for gasoline during the control period of June 1st - September 16th, in violation of 30 Tex. ADMIN. CODE § 115.252(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conduced on June 10, 2007. Specifically, samples were taken of regular and mid-grade gasoline dispensed from Pump Number Three at Murphy USA 6879. These samples were documented to have an RVP of 8.3 psia and 7.6 psia, respectively.

III. DENIALS

Murphy Oil generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Murphy Oil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Murphy Oil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Murphy Oil USA, Inc. dba Murphy Oil, Docket No. 2007-1242-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Murphy Oil shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, establish and implement a process which will ensure the RVP for gasoline dispensed between June 1st and September 16th of each year shall not exceed 7.0 psia at Station Nos. 5776, 6704, and 6879; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

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significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager El Paso Regional Office Texas Commission on Environmental Quality 401 East Franklin Avenue, Suite 560 El Paso, Texas 79901-1206

- 3. The provisions of this Agreed Order shall apply to and be binding upon Murphy Oil. Murphy Oil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
- 4. If Murphy Oil fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Murphy Oil's failure to comply is not a violation of this Agreed Order. Murphy Oil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Murphy Oil shall notify the Executive Director within seven days after Murphy Oil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Murphy Oil shall be made in writing to the Executive Director. Extensions are not effective until Murphy Oil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Murphy Oil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Murphy Oil, or three days after the date on which the Commission mails notice of the Order to Murphy Oil, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		
John Gralier	7/23	12008
For the Executive Director	Date	

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Signature

Name (Printed or typed)

Authorized Representative of

Murphy Oil USA, Inc. dba Murphy Oil

Date

Title Compliance

Instructions. Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph I of this Agreed Order.